

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 2:98-18
)	
ROBERT L. FEWELL, III,)	Judge Cathy Bissoon
)	
Defendant.)	
)	

MEMORANDUM ORDER

Pending before the Court is Defendant Robert Lee Fewell, III's motion to expunge his criminal conviction record (Doc. 16). Defendant asserts that his criminal record should be expunged under "The Second Chance Act for Ex-Offenders of 2007 (H.R. 623), of 2009 (H.R. 1529), and of 2011 (H.R. 2065)." But these "Acts" are U.S. House of Representatives bills and not laws. These "Acts," therefore, do not provide authority for this Court to expunge Defendant's criminal record.

A federal court has jurisdiction over petitions for expungement only in the narrow circumstance "where the validity of the underlying criminal proceeding is challenged." United States v. Rowlands, 451 F.3d 173, 177 (3d Cir. 2006). Defendant does not challenge the validity of his underlying criminal proceeding. This Court, therefore, lacks jurisdiction over Defendant's motion to expunge his criminal conviction record.

For the reasons stated above, the Court hereby **ORDERS** that Defendant Robert Lee Fewell, III's motion to expunge his criminal conviction record (Doc. 16) is **DENIED**.

IT IS SO ORDERED.

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

November 3, 2011

cc:

All attorneys of record (via CM/ECF e-mail)

Robert Lee Fewell III (via First-Class U.S. Mail)
7962 Aber Road
Verona, PA 15147